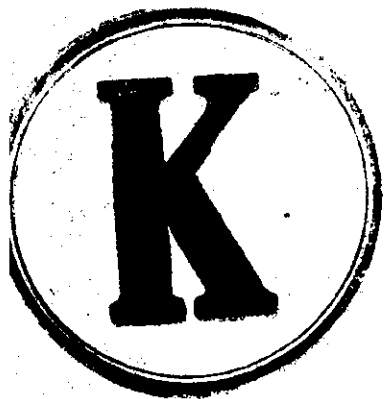




1952.

File No. O. Prev. of
Adult/52

Legal Department
A - BRANCH p. # (E)

Subject:— Opinions under the Bombay
Prevention of Adulteration Act, 1925.

File No. O. Prev. of Adult/52.

Gen. 194 a.

606-A

CONTENTS

Legal Department File No. O. Prev. of Adulteration/ES

Serial No.	S.I./O.No.	Subject	Pages
		Opinions under the Bombay Prevention of Adulteration Act, 1925.	
1)	O.No. 7291/8-5-52	Re: Levy of license fees by the Municipalities for licenses issued under the----- Whether it would be competent for Govt. to compell the Municipality to lower the fees.	1-2
2)	O.No. 9462/6-6-52	See 6(1) Re: Appointment of additional public analyst for milk and milk products.	3-4
3)	O.No. 13645/20-8-52	Sections 17A and 17C Re: Use of a place for specified purposes without license under sec. 17A of the Act.	5-6

ENR 9-6-56
5 Copies.

Ly/6/17
Ans
7/10/56
2

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Under section 19(1) of the Bombay Prevention of Adulteration Act, 1925, it is the Government which is charged with the duty of making rules in certain matters one of which is prescribing the fees on payment of which licenses are to be granted under section 17A. No doubt such rules are to be made after consultation with the local authorities concerned. "Consultation" does not mean concurrence, and, therefore, it is not obligatory upon Government to accept the recommendations of the local authorities if the scale of fees is found excessive. Besides, it is a well-known principle governing the imposition of fees that they must not be unreasonably excessive and must be commensurate with the purpose and the service rendered by the practice of licenses.

Id./P.M.L. 7/5

Remembrancer of Legal Affairs.

U.R. to L.S.G.& P.H.D. No. 7291, dated 8th May 1952.

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Bombay Prevention of
Adulteration Act,
1925, sec. 6(1).

Appointment of
additional public
analyst for milk
and milk products.

Section 6(1) of the Bombay Prevention of Adulteration Act, 1925, provides that save as provided in sub-section (2), the Government of Bombay may by notification in the Official Gazette appoint any qualified person possessing skill and experience to be a public analyst for the purpose of the Act for any local area. The expression "local area" as defined in section 2(b) means inter alia the area comprised within the limits of a Municipality. The expression "purpose of the act" must be construed to mean the entire purpose and not some of its purposes. The provisions of section 6(1), when they are considered with the scheme of the act in relation to the public analyst (as can be gathered from sections 7, 9, 15 and 16 and Schedule A) do not therefore permit the appointment of an additional public analyst only for certain ~~specified~~ specified articles like milk or milk-products.

Id./P.L.L. 3/6

Remembrancer of Legal Affairs.

U.R. to L.S.G. & P.R.D. || with file 3331/31-I of G.D.

No. 9462 dated 6th June 1952.

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Section 17A of the Bombay Prevention of Adulteration Act, 1926, prohibits the use of a place for specified purposes without a license. Section 17C prescribes the penalty for use of the place in contravention of section 17C. These provisions are directed against user and therefore on every day such user takes place an offense is committed. (cf, Emp. vs. Karamdas Govindji Vad 44 Bom. L.R. 786).

Id./P.L.L. 19/8

Remembrancer of Legal Affairs

O.R. to L.S.G. & P.H.D. No. 13645, dated the 20th August 1952.

SM R 12-6-56

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